

**DECLARATION FOR UTILITY OR  
DESIGN PATENT APPLICATION**



DECLARATION SUBMITTED WITH INITIAL FILING

DECLARATION SUBMITTED AFTER INITIAL FILING

Attorney docket number: 394A US

First Named Inventor: Rivera

Application No:

Filing Date:

Group Art Unit:

Examiner Name:

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am one of the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled Methods for High Level Expression of Genes in Primates, the specification of which

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, CFR 1.56(a).

I hereby claim the benefit under Title 35, USC 119(e) of any **United States provisional application(s)** listed below

Number  
60/170,019

Filing Date  
12/10/99

As a named inventor, I hereby appoint each of the following to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

David L. Bernstein, Registration No. 31,235

of: ARIAD Gene Therapeutics, Inc.  
26 Landsdowne Street  
Cambridge, Massachusetts 02139-4234  
Telephone: 617-494-0400 Ext. 266 / Facsimile: 617-494-0208

Direct all correspondence to:

David L. Bernstein  
ARIAD Gene Therapeutics, Inc.  
26 Landsdowne Street  
Cambridge, Massachusetts 02139-4234  
Telephone: 617-494-0400 Ext. 266 / Facsimile: 617-494-0208

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Victor Rivera

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 58 Lombard Terrace, Apt. 2, Arlington, MA 02476 USA

Post Office Address Same

Citizenship US

Full name of second inventor Philip Zoltick

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 100 Trent Road, Wynnewood, PA 19096 USA

Post Office Address Same

Citizenship US

Full name of third inventor James M. Wilson

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 1350 N. Avignon Drive, Gladwyne, PA 19035 USA

Post Office Address Same

Citizenship US

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**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN**

Docket Number (Optional)  
**ARIAD 394A US**
Applicant or Patentee: Victor Rivera, Philip Zoltick, James M. WilsonSerial or Patent No.: UnknownFiled or Issued: HerewithTitle: Methods for High Level Expression of Genes in Primates

I hereby declare that I am

☐ the owner of the small business concern identified below:☒ an official of the small business concern empowered to act on behalf of the concern identified below:NAME OF SMALL BUSINESS CONCERN ARIAD Gene Therapeutics, Inc.ADDRESS OF SMALL BUSINESS CONCERN 26 Landsdowne Street, Cambridge, MA 02139-4234

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for the purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For the purposes of this statement, (1) the number of employees of the business concern is the average of the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

☒ the specification filed herewith with title as listed above.☐ the application identified above.☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

☒ no such person, concern or organization exists.☐ each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 128(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief and believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING David L. BernsteinTITLE OF PERSON IF OTHER THAN OWNER Sr. Vice President - Chief Patent CounselADDRESS OF PERSON SIGNING 26 Landsdowne Street, Cambridge, MA 02139-4234

SIGNATURE

David L. Bernstein

DATE

12/8/00